

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: December 21, 2005 Division: County Attorney  
Bulk Item: Yes xxx No      Department: County Attorney  
Staff Contact Person: Bob Shillinger x3470

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**AGENDA ITEM WORDING:** Approval of settlement agreement in *B.O.C.C. v. Virginia Sawyer*, CA K 03-1506.

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**ITEM BACKGROUND:** The County sued Ms. Sawyer to collect an unpaid code enforcement lien that is currently accrued to approximately \$61,000.00. Although the property is not in complete compliance, Ms. Sawyer has made tremendous strides towards achieving compliance despite her limited means. The attached proposed settlement agreement was drafted as a result of mediation that took place on December 8, 2005.

Under the terms of the proposed settlement agreement, Ms. Sawyer will consent to entry of a permanent injunction requiring that she maintain the property in compliance with the code or face potential contempt charges as well as to entry of a lien against her for the County's attorney's fees and costs in the amount of \$11,745.44. Additionally, her fine will be abated by as much as 100% depending on how quickly she achieves complete compliance.

Due to Ms. Sawyer's circumstances, staff believes this agreement is the best approach to bringing and keeping the property in compliance. This item is being added on because the foreclosure matter is scheduled to go to trial in January of 2006. The mediation was held after the December agenda deadline.

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**PREVIOUS RELEVANT BOCC ACTION:** The Board approved the initiation of litigation and the retention of outside counsel in July 2003.

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**CONTRACT/AGREEMENT CHANGES:** n/a

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**STAFF RECOMMENDATIONS:** Approval.

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**TOTAL COST:** up to \$18xxx.00 **BUDGETED:** Yes xxx No       
**COST TO COUNTY:** n/a **SOURCE OF FUNDS:** n/a  
**REVENUE PRODUCING:** Yes xx No      **AMOUNT PER MONTH** n/a **Year** n/a  
**APPROVED BY:** County Atty xx OMB/Purchasing      Risk Management       
**DIVISION DIRECTOR APPROVAL:** John R. Collins 12/12/05  
John R. Collins, County Attorney  
**DOCUMENTATION:** Included xx Not Required       
**DISPOSITION:**      **AGENDA ITEM #**

Circuit Court  
16th Judicial Circuit

Monroe County

Case No. ~~1506~~

v.  
Virginia Sawyer

2003-CA-1506-K

### SETTLEMENT AGREEMENT

THE PARTIES AGREE AS FOLLOWS:

1. THE COURT COURT WILL ENTER A PERMANENT INJUNCTION, REQUIRING THAT THE DEFENDANT COME INTO FULL COMPLIANCE WITH THE MONROE COUNTY CODE AS SET FORTH HEREIN, AND KEEP THE PROPERTY (LOT 25, ROCKLAND KEY) IN FULL COMPLIANCE WITH THE CODE;
2. THIS CASE WILL BE REMOVED FROM THE COURT'S ACTIVE DOCKET, AND WILL BE CLOSED UPON COMPLIANCE WITH THE CODE, SET FORTH ABOVE;
3. FINES WILL CONTINUE TO ACCRUE UNTIL THE PROPERTY IS IN COMPLIANCE WITH THE CODE. IF COMPLIANCE IS ACHIEVED WITHIN 30 DAYS OF THE COURT'S ENTRY OF THE INJUNCTION, 100% OF FINES WILL BE VACATED; IF WITHIN 90 DAYS, 75% VACATED; IF WITHIN 180 DAYS, 50% VACATED; IF WITHIN 270 DAYS, 25% VACATED, AND IF 1 YEAR OR LONGER, THERE WILL BE NO REDUCTION OF FINES.

4. A LIEN IN THE AMOUNT OF THE COUNTY'S ATTORNEY'S FEES <sup>AND COSTS</sup> IN THE AMOUNT OF \$11,745.44 WILL BE PLACED ON THE PARCELS, (LOT 25, BACKLAND KEY), AND WILL ACCRUE INTEREST AT THE STATUTORY RATE UNTIL PAID IN FULL.

5. THE COUNTY WILL NOT CONTEST COLLECTION OF DEBTS BY FEMA AS STORM DEBTS.

6. THIS AGREEMENT IS SUBJECT TO THE APPROVAL OF THE MONROE COUNTY BOARD OF COMMISSIONERS, AS REQUIRED BY LAW.

DATED: DECEMBER 8, 2005

Virginia Lewis  
VIRGINIA LAWYER

Christine B. Bell  
CHRISTINE BELL, ESQ.

Michael Meadows  
MICHAEL MEADOWS, ESQ.  
COUNSEL FOR MONROE COUNTY

Robert S. Miller  
ROBERT S. MILLER, ESQ.  
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David H. Adams  
DAVID ADAMS  
MEMBER